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April 8, 1958

ACTION

is assigned to

FILE

Secretary of State
Washington 25, D.C.

Attention: Charles I. Bevans, Assistant Legal Adviser

Re: Ref. No. L/T 611.944/3-1158

Dear Mr. Bevans:

Thank you very much for your letter of March 20th, and the enclosed copy of the treaty of friendship, commerce and navigation, in force between the United States and Japan.

However, a question of intent has arisen on the interpretation of Article III and Article XXII in this treaty and I wonder if you or your Department can cast some light on the situation. The aforementioned articles seem to be very similar to those contained in our treaty with Italy and our New York State Courts have already held that an Italian national who has returned to his own country must continue to receive full Workmen's Compensation benefits because of the provisions of such treaty, rather than one-half of the benefits, as provided for in our New York State Workmen's Compensation Law. However, in spite of the similarity of treaties, there is one phrase in our treaty with Italy which is not in the treaty with Japan, to wit: "Regardless of alienage or residency". Can you tell me if this phrase was deliberately left out so that a Japanese National would only be entitled to the same treatment under our Compensation Law as an American National while said Japanese was in this country? I contend that the phrase is immaterial and it is only important that a Japanese National receive the same treatment as an American national under our Workmen's Compensation Law regardless of the fact that said Japanese has now returned to his homeland--Japan.

I will be most grateful if you or someone in your Department can enlighten me on this matter.

Very truly yours,

JAMES J. DEVINE

DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY W. Dell DATE 9-00-82

RDS ☐ or XDS ☐ EXT. DATE

TS AUTH. JJD:GD REASON (S) L/T

ENDORSE EXISTING MARKINGS ☐

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REASON 1.1.1

DEPARTMENT OF STATE

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OFFICE OF THE LEGAL ADVISER

THIS DOCUMENT MUST BE RETURNED
TO THE A/CDC/MR
GENERAL FILES

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